

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 WEST WASHINGTON STREET, SUITE 1500 EAST
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

November 10, 2009

Dear Industry Representative:

House Enrolled Act (HEA) 1279, which became law in March 2006, resulted in significant changes in the regulation of communications services in Indiana. I.C. § 8-1-2.6-4.1 requires the IURC to "identify and eliminate rules or policies concerning telecommunications service and telecommunications service providers if they are no longer necessary, in the public interest, or for the protection of consumers." Communications Division Staff extensively reviewed the Commission's administrative rules and identified the portions which, upon full implementation of HEA 1279 on July 1, 2009, needed to be eliminated or modified. A General Administrative Order (GAO 2009-5) was approved by the Commission on June 24, 2009, indicating that as of July 1, 2009, certain rules located at 170 I.A.C. § 7 would no longer be enforced and would be eliminated through a rulemaking process. Consistent with the Commission's obligations under I.C. § 8-1-2.6-4.1 to "identify and eliminate rules and policies concerning telecommunications service and telecommunications providers," the Commission submitted on June 24, 2009, a Notice of Intent of a Rulemaking for publication in the Indiana Register.

Staff believes that prior to approving a Proposed Rule, it would be beneficial to the process to provide a strawman of the rule to interested stakeholders. Because the Rulemaking Process is outside the ex parte process, communications between stakeholders and the staff is welcome. Staff is also amenable to informal communications or workshops to discuss the strawman. It is our hope that stakeholders will provide suggestions or areas of concern either in writing or in a workshop setting to enable changes to the strawman prior to the publication of a Proposed Rule. The strawman is attached and is also available at www.in.gov/iurc/2337.htm.

The following is a summary of the major sections of the rule that are retained in the strawman:

The strawman greatly reduces the previous service quality section and eliminates the performance metrics and automatic customer credits for noncompliance. HEA 1279 retained the Commission's jurisdiction to fulfill the Commission's obligations under the Telecommunications Act of 1996 concerning universal service and access to telecommunications service and equipment. This section has been renamed and sets forth the remaining Indiana-specific obligations of Eligible Telecommunications Carriers, Local Exchange Carriers and Communications Service Providers. The strawman also clarifies that Eligible Telecommunications Carriers/ Providers of Last Resort are required to provide a flat rate basic service offering, maintain maps of their service territory and provide service to their entire designated service area.

The strawman reduces the previous Customer Rights and Responsibilities section, but retains the standards for Bills for Utility Service and procedures for Customer Complaints, which are necessary to enforce the Commission's slamming and cramming rules. Additionally, the Slamming and Cramming Rules that were previously set forth in 170 I.A.C. § 7-1.1-19 are now in this section.

The strawman retains 170 I.A.C. § 7-6 and 170 I.A.C. § 7-7. These sections govern disconnection of a local exchange carrier by another local exchange carrier, and carrier to carrier disputes, allowing the Commission to meet its obligations under 47 U.S.C. § 252 of the Telecommunications Act.

Once again, the Commission welcomes your comments and suggestions regarding this "strawman" rule. Also let us know your preference regarding the most efficient venue (written, workshop or combination of both) to discuss any modifications to the strawman rule. Our intent is to move this along expeditiously. We believe collaboration with interested stakeholders will provide a better end result.

Please submit your comments, no later than **December 8, 2009**, to:

IURC Communications Division
National City Center
101 W. Washington Street, Suite 1500 E.
Indianapolis, IN 46204-3407

Sincerely,

A handwritten signature in black ink that reads "Pamela D. Taber". The signature is fluid and cursive, with the first name being the most prominent.

Pamela D. Taber
Director Communications Division

Attachment